CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MARCH 21, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:
Associate Pastor Joe Hunt of Pacific Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Director of Community Development Lindsey, Assistant Fire Chief Moreno, Director of Utilities Chisam, Director of Public Works/City Engineer Sweet, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Principal Engineer Nybo, Principal Engineer Whitehead, City Librarian Pinneli, and Chief Deputy City Clerk Perez.

PROCLAMATION – AMERICAN RED CROSS MONTH
Councilmember Orach read a proclamation declaring the month of March 2006 as "American Red Cross Month" in the City of Santa Maria, and urging all residents to support our local American Red Cross Chapter by making financial donations, volunteering, and by making our families safer by becoming trained in emergency preparedness and response. The proclamation was accepted by Andrew Millar, Santa Barbara County Chapter of the American Red Cross.

VOLUNTEER OF THE MONTH
Councilmember Mariscal presented a gift to the Recreation and Parks Volunteer of the Month for March 2006, John "Rod" Rodriguez, for his efforts in bridging the generation gap between senior citizens and local high school students by spearheading the annual "Senior Prom" event and the Halloween Costume Ball at the Elwin Mussell Center.

PROCLAMATION - BOYS & GIRLS CLUB WEEK
Councilmember Patino read a proclamation declaring the week of April 2 – 8, 2006 as "Boys & Girls Club Week" in the City of Santa Maria, and calling on all citizens to join in recognizing and commending the Boys & Girls Club organizations for providing comprehensive, effective services to the young people in our community. The proclamation was accepted by Eddie Galarza, Unit Director of the Evan's Park Boys & Girls Club.

PUBLIC COMMENT
Robert Armstrong spoke in opposition to HR4437 which he said would penalize illegal immigrants as well as those deemed to be helping them. He asked that the Council adopt a resolution opposing the bill and send copies to Senators Boxer and Feinstein.

Joan Leon spoke regarding a guest commentary she had written in the March 3, 2006, Santa Maria Times called *The Value of $5 Contributions* which recommended limiting the amount of campaign contributions for local elected officials. She suggested forming an ad hoc committee to research campaign reform.

Ernest Armenta spoke in opposition to Measure D reauthorization. He also spoke regarding the Santa Maria levee.

Howard Morseburg also spoke in opposition to HR4437.

Larissa Jaskulsky spoke against the proposed Daytime Anti-Loitering Ordinance.

Patty Shipsey spoke against the proposed Daytime Anti-Loitering Ordinance.

Alfred Correale also spoke against the proposed Daytime Anti-Loitering Ordinance.

WRITTEN COMMUNICATIONS
Luis Segui submitted a letter opposing HR4437 and responding to Councilmember Trujillo's interview by Marcela Toledo of El Tiempo on February 16, 2006.

CONSENT CALENDAR
Mayor Lavagnino requested Item 3R be pulled for comment and indicated Ernest Armenta had requested Item 3C be pulled for comment.

Councilmember Orach requested Item 3J be pulled for comment. Councilmember Mariscal requested Item 3S be pulled for comment.

Item 3C – A resolution supporting a Constitutional Amendment to prevent future State budget diversion of Proposition 42 revenues.

Ernest Armenta stated that if the City was getting Proposition 42 money for fixing roads, they didn't need Measure D money as well.

Item 3J – An Alcoholic Beverage License for Garrett's Emporium at 1320 W. McCoy Lane.

Councilmember Orach asked if they would be doing wine tasting at this location.

Director of Community Development Lindsey replied their application did not include wine tasting.

Item 3R – Acceptance of a 2006 Kabota tractor and trailer from People for Leisure and Youth, Inc. (PLAY) to the Recreation and Parks Department.

Mayor Lavagnino stated he wanted the City Council to know that he had sent a letter of thanks to the Board of Directors of PLAY for their gift to the City.

Item 3S – Memorandum of Understanding with the Santa Maria Airport District to share the costs of conducting a golf course feasibility study.

Councilmember Mariscal indicated this project had been on the back burner for a long time and had been discussed at the City Council level for the last 25 years. This was the first time that steps were actually being taken to move forward.

Consent Calendar Items A through S were approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmember Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of March 7, 2006, were approved as submitted.

C. CONSTITUTIONAL AMENDMENT
Resolution No. 2006-33 was adopted supporting a State Constitutional Amendment to prevent future State budget diversion of Proposition 42 revenues.

Resolution No. 2006-33 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUPPORTING A STATE CONSTITUTIONAL AMENDMENT TO PREVENT FUTURE STATE BUDGET DIVERSION OF PROPOSITION 42 REVENUES.

D. WARRANTS
Warrant Nos. 125948 to 126245 in the amount of $1,614,058.28 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 118807 and 121183 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. INVESTMENT POLICY
Resolution No. 2006-34 was adopted approving the City's 2006 Investment Policy.

Resolution No. 2006-34 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE CITY'S 2006 INVESTMENT POLICY.

G. ORDINANCE NO. 2006-03
Council conducted the second reading by title only of Ordinance No. 2006-03 related to Mixed-Use Development Standards and adopted the ordinance.

Ordinance No. 2006-03 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 49 (MIXED-USE DEVELOPMENT STANDARDS) TO TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, Z-2005-002.

H. ORDINANCE NO. 2006-04
Council conducted the second reading by title only of Ordinance No. 2006-03 related to building site requirements in industrial zones and adopted the ordinance.

Ordinance No. 2006-04 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AMENDMENT TO CHAPTERS 15, 16 AND 17 OF TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, Z-2006-001.

I. ORDINANCE NO. 2006-05
Council conducted the second reading by title only of Ordinance No. 2006-05 related to Residential Mobile Home Park Zone Standards of the Blosser Southwest Specific Plan and adopted the ordinance.

Ordinance No. 2006-05 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SECTION 3.1.5 OF THE BLOSSER SOUTHWEST SPECIFIC PLAN, GPZ-2006-001, SPZ-2006-001.

J. ABC LICENSE
Council noted and filed an application for an Alcoholic Beverage License (Type 17, Beer and Wine Wholesaler and Type 20, Off-Sale Beer and Wine) in an existing warehouse for Garrett's Emporium, 1320 W. McCoy Lane.

K. ABC LICENSE
Council noted and filed an application for an Alcoholic Beverage License (Type 47, On-Sale General at Restaurant) for Cool Hand Lukes at 1321 S. Nicholson Avenue.

L. ABC LICENSE
Council noted and filed an application for an Alcoholic Beverage License (Type 02, Winegrower) in an existing warehouse at 2717 Aviation Way, E-16, an existing office at 123 E. Depot Street, and a new Tasting Room and retail sales at 1331 S. Nicholson Avenue for Costa De Oro Winery.

M. ABC LICENSE
Council noted and filed an application for an Alcoholic Beverage License (Type 02, Winegrower) in an existing warehouse for Alapay Cellars, Inc. at 2717 Aviation Way.

N. ABC LICENSE
Council noted and filed an application for an Alcoholic Beverage License (Type 02, Winegrower) in an existing multi-tenant industrial building for Wild Heart Winery at 2643 Industrial Parkway, Suite E.

O. AWARD OF BID
Resolution No. 2006-35 was adopted awarding the bid and approving an agreement with Rockwood General Contractors, Inc., for Bid No. 2006-09, Atkinson Park Classrooms – Site Work, in the amount of $288,672.

Resolution No. 2006-35 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH ROCKWOOD GENERAL CONTRACTORS, INC. FOR ATKINSON PARK CLASSROOMS – SITE WORK, BID NO. 2006/09.

P. ANNUAL WEED ABATEMENT PROGRAM
Resolution No. 2006-36 was adopted commencing proceedings for the annual Weed Abatement Program, and setting a public hearing for April 18, 2006.

Resolution No. 2006-36 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING THAT NOXIOUS AND DANGEROUS WEEDS WERE GROWING UPON OR IN FRONT OF THE LISTED PROPERTY, AND RUBBISH, REFUSE AND DIRT WERE UPON OR IN FRONT OF THE LISTED PROPERTY AND THAT THEY CONSTITUTE A PUBLIC NUISANCE WHICH MUST BE ABATED, AND COMMENCING PROCEEDINGS FOR THE ABATEMENT OF SAID NUISANCES PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

Q. INTENT TO ANNEX
Resolution No. 2006-37 was adopted expressing Council's intent to annex certain parcels into the City's Landscape and Lighting Districts.

Resolution No. 2006-37 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, INITIATING PROCEEDINGS AND DECLARING THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS PURSUANT TO THE "LANDSCAPE AND LIGHTING ACT OF 1972" (VETERAN'S CLINIC; BRIAN COURT; LA VENTANA; RAMIREZ APARTMENTS; WEST A STREET BUSINESS CENTER; ACQUISTAPACE HOMES; AND CALE RESIDENTIAL PROJECT).

R. GIFT FROM P.L.A.Y.
Resolution No. 2006-38 was adopted accepting a 2006 Kabota tractor and trailer from the People for Leisure and Youth, Inc. (P.L.A.Y.) for use in the Recreation and Parks Department.

Resolution No. 2006-38 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ACCEPTING A TRACTOR AND TRAILER FROM THE PEOPLE FOR LEISURE AND YOUTH, INC. FOR USE IN THE RECREATION AND PARKS DEPARTMENT.

S. GOLF COURSE FEASIBILITY STUDY
Resolution No. 2006-43 was adopted approving a Memorandum of Understanding (MOU) with the Santa Maria Public Airport District for the purpose of sharing the cost to conduct a golf course feasibility study.

Resolution No. 2006-43 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA MARIA AND THE SANTA MARIA PUBLIC AIRPORT DISTRICT AGREEING TO SHARE THE COST OF A GOLF COURSE ECONOMIC STUDY.

STREET NAME CHANGE
Public Works Director/City Engineer Sweet gave the staff report. The Pioneer Valley Student Body has requested the name of the street in front of the Pioneer Valley High School and the Edward's Community Center be changed from Fremont Street to Panther Drive after the school's mascot. The student body invited the nearby residents of Sierra Vista Estates, Tract 5624, and Sierra Vista Estates II, Tract 5685, to a public forum held on February 8, 2006, to discuss the proposed street name change. The meeting was attended by approximately 12-15 residents. None of the residents in attendance were opposed to the name change. On February 15, 2006, the Traffic Committee reviewed the proposal and also had no objections. The Traffic Committee recommended the City Council approve the request. Contact was made with the United State Postal Service, and they have no objections.
Darci Salaiz, Robbie Riley and Michelle Greer, representatives of the Pioneer Valley High School Student Council, stated it was the responsibility of the Student Council to promote school spirit and pride. Renaming Fremont Street would not only increase school spirit and pride currently, but for generations to come. As a new school in Santa Maria, this would be an opportunity to leave a historical mark for a school. The Student Council is constantly volunteering in the community. Changing the street name would raise awareness as to who they are and what they do. There are currently only two addresses on Fremont Street, the Edwards Community Center and the High School. It wouldn't effect other people except in giving directions to their homes. It would be more cost effective to change the name at this time because there are only four signs on Fremont Street.

Rod Rodriguez, Student Council Advisor, stated these students learned a lot going through this civic experience. He thanked the City Council, Rodger Brown, David Beas, the Pioneer Valley High School administration, and the students. These students are the City's future leaders, and the City will be in good hands.

Ernest Armenta asked if Fremont Street was named after an important town person.

Mayor Lavagnino stated it was probably named after J. C. Fremont, a general who came down from San Juan Batista, who had quartered his troops there temporarily during the war to free California from Mexico.

Mr. Armenta stated since the street was named after a person important to the community, the name should not be changed.

Councilmember Orach suggested that instead of Panther Drive, the street name be changed to Panther Path.

Councilmember Mariscal stated in the last few weeks there had been a number of letters to the editor regarding traffic problems on Fremont Street. The City of Santa Maria did not have anything to do with that. The School District was the entity that approved the development of the school and also approved the Environmental Impact Report including the traffic study. The City's Traffic Committee is looking at the matter from the standpoint of what can be done.

Resolution No. 2006-41 was adopted on motion by Councilmember Patino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmember Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-41 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A PROPOSED STREET NAME CHANGE FROM FREMONT STREET TO PANTHER DRIVE.

MEASURE D FOUR-YEAR PROGRAM OF PROJECTS

Principal Engineer Nybo gave the staff report. In 1989, the voters approved the Santa Barbara Improvement Program Ordinance and Expenditure Plan known as "Measure D." In compliance with the ordinance, the City of Santa Maria initially held a public hearing and adopted a Five-Year Program of Projects funded by Measure D revenues. Typical authorization is required for five years. Unfortunately, Measure D is scheduled to expire in 2010. Therefore, this year the Local Program of Projects will only be for four years. An update to the Local Program of Projects requires annual submittals. The Four-Year Local Program of Projects lists proposed projects that comply with the requirements of the ordinance and allocates the funds to Street Maintenance and Various Improvements, including chip seals, overlays and reconstructions of street surfaces. The primary goal of the City roadway funding effort is maintenance of the existing street system. Transit funds are estimated at $46,082 to $51,837 per year, but are not shown on the Program of Projects as these funds are from the regional paratransit funds. The allocation for the City of Santa Maria is estimated to be approximately $5 million next year and $20 million over the next four years.

Ernest Armenta asked if Measure D reauthorization failed, where did the City expect to receive the funds to continue to fix the roads or would the roads not get fixed?

Principal Engineer Nybo explained that the City anticipated receiving approximately $20 million over the next four years. If Measure D was not renewed, the City would not get that money. There would still be the same maintenance requirements with $5 million less each year to meet that requirement. That was the situation the City had in the late 1980s prior to the passage of Measure D. There was not sufficient money to maintain the roads. Consequently, the City had a lot of reconstruction projects because the roads were falling apart. It takes substantially less money to maintain roads than it does to reconstruct roads. The City has used all of its Measure D money to concentrate on road maintenance with minimum cost so the roads did not fall apart.

Mayor Lavagnino opened the public hearing.

Ernest Armenta stated he understood that the City would lose that money, but he had not heard any concrete plan for how the roads would be maintained when Measure D did not pass.

City Manager Ness stated as Mr. Nybo indicated the City would lose approximately $5 million in Measure D money each year. That amount of money taken away from our Street Maintenance Budget would decimate the City's maintenance program. Many of the road construction projects and maintenance projects would be deferred. In addition to that, in order to meet maintenance requirements and to provide for road projects, they would have to be prioritized and only the highest priorities would receive any funding. A significant amount of money would have to come from the General Fund.

Other General Fund funded projects would have to be eliminated or deferred. About 55 percent of the entire General Fund currently finances public safety programs. If Measure D fails, public safety programs could be affected.

Councilmember Mariscal stated the City Council could not tell anybody at this time what the plan would be. The City operates on a two-year budget cycle. There is not a long term plan, and there cannot be because there is no stream of revenue. That is why Measure D has been successful, because it is a steady stream of money specifically to be used for roads. Measure D has been the City's preventative maintenance program for its roads. No government can plan for long-term projects without a guaranteed flow of capital.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2006-40 was adopted approving the Measure D Four-Year Local Program of Projects on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmember Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-40 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE MEASURE "D" FOUR-YEAR PROGRAM OF PROJECTS FOR FISCAL YEARS 2006-07 TO 2009-10.

PUBLIC LIBRARY AWARD OF BID

Principal Engineer Whitehead gave the staff report. This project is the final phase of the new public library complex project. This project consists of a 59,850 square foot, two-story, steel framed structure with associated site improvements and landscaping to be constructed between Broadway and McClelland Street south of the existing library and parking structure. The City was awarded a grant of $16,390,502 from the Library Construction Act of 2000 and has agreed to fund the balance from a combination of Growth Mitigation Fees, Community Development Block Grant Funds, and City funds. The Planning Commission approved the project on February 4, 2004. The required property acquisition has been completed and the Library Parking Structure has been substantially completed and is now open to the public. Bids for the project were opened on February 21, 2006. The City received a bid protest from the second low bidder, Diani Building Corporation, on February 27, 2006. Straub Construction, the low bidder, submitted information refuting the protest. In staff's opinion, Straub has complied with the bid specifications and its bid is responsive. He highlighted some of the unique features of the new library.

City Librarian Pinnelli commended everyone involved with the project to date. He said he was already receiving many wonderful comments about the beautiful new parking structure. The new library will be even more amazing. It is the largest capital project in the 100-year history of the City. To kick off the opening of the parking structure, he invited everyone to attend the Grand Opening at 11:00 a.m. on Wednesday, March 22nd. There will be vintage car parade, refreshments provided by the Friends of the Library, as well as a groundbreaking ceremony for the new library which will begin construction within a month or so. He thanked the City Council for its support of the project. It is for the future leaders of the City that this library is being built.

Councilmember Trujillo asked how large Straub Construction was in terms of sales.

John Grantham, Senior Project Manager for Straub Construction, stated it was about $60 million a year. In this area they had about $40 million in projects. In Santa Maria they had a project at Allan Hancock College. He said they were very excited about building the library.

Councilmember Trujillo stated he noticed they planned to use a lot of subcontractors from the area, and that was a good thing.

Councilmember Patino recognized members of the Library Board of Trustees who were present as well as Friends of the Library. She thanked them for all their help.

Councilmember Mariscal stated he had some concern with regard to the bid protest. He asked about change orders. The difference between the two low bidders was only $600,000 which could be taken up in change orders very fast. He said he wanted to make sure the City had a process for handling change orders that would protect the public's money.

Principal Engineer Whitehead explained that the Engineering Division utilized a Construction Management Process to control the flow of information between the owner, the architect and the contractor. There are always a number of issues that come up during a construction project, especially on a complex project such as the new library. Change orders are a result of conflicts, errors, omissions, and various additions to a project. They utilize a construction management process that thoroughly evaluates the issues, seeks a resolution to the problem, and identifies a cost-effective and efficient method of resolving the problem. In the past, the change order figures have been between 3 percent and 5 percent of total construction costs. He said he didn't expect anything beyond that on this project.

Councilmember Mariscal stated he appreciated that there was a good control system in place, but 3 percent or 5 percent of $30 million was a lot of money.

Mayor Lavagnino stated this is a project that is going to benefit the people of the City of Santa Maria for 50 to 75 years. It is a privilege for the City Council to be able to make a decision that will have that kind of impact on the City. He commended everyone who had worked so hard to get the new library to this point. It will be a tremendous asset to the City.

Councilmember Trujillo stated the City needed approximately $3 million more. He said he had volunteered to try to raise that money from the private sector. In addition, about $500,000 more is needed for the inside of the library. The Friends of the Library have been working to raise that money. The public will be asked to help with this because Santa Maria has a very young population with a lot of children who use the library. The City could not do it all.

Councilmember Mariscal stated he wanted the public to know that he thoroughly supported moving forward with the construction of the library; however, he would be stepping down and recusing himself before the motion was made because he was a property owner within 500 feet of the library location. He left the Council Chambers at this time.

Resolution No. 2006-41 was adopted awarding the bid and approving a contract with Straub Construction, Inc. in the amount of $18,590,000 on motion by Councilmember Patino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmember Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Mariscal

Resolution No. 2006-41 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH STRAUB CONSTRUCTION, INC. FOR THE SANTA MARIA PUBLIC LIBRARY, BID NO. 2006/06.

Councilmember Mariscal returned to the dais.

ALL-AMERICA CITY COMMITTEE

Chief Deputy City Clerk Perez gave the staff report. The terms of certain members of the All-America City Committee expired on January 31, 2006. Some of the vacancies were filled by the City Council on January 3, 2006; however, there were insufficient applications to fill all the vacancies. The remaining vacancy was readvertised. This particular vacancy should represent the non-profit segment of the community. Three applications were received from Heidi Jansson, Tom Lopez, and Tahir Masood. Councilmember Orach will be making the nomination.

Councilmember Orach nominated Tahir Masood to fill the vacancy.

On motion by Mayor Lavagnino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmember Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Tahir Masood was appointed to a two-year term on the All-America City Committee to expire in January 2008.

ETHICS POLICY

Assistant City Manager Haydon gave the staff report. The proposed Ethics Policy is designed to be a comprehensive document that sets forth ethical standards and addresses various policies found in different operating departments ranging from conflicts of interest, gifts and confidentiality, and brings them all together in one document that will apply to all City officials and employees. On October 7, 2005, Governor Schwarzenegger approved Assembly Bill 1234 which, in part, requires all local agency officials to receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years. In addition, the Board of Directors of the League of California Cities has been encouraging as many cities as possible to adopt an ethics policy. Staff created a draft ethics policy and has shared it with management staff and each Union. Staff has received constructive feedback and comments on the draft policy from managers, the Fire Fighters' Union, and the Service Employees International Union (SEIU). These three groups have all bought into the policy. Just today, after five months and numerous attempts to garner feedback and comments from the Santa Maria Police Officers' Association (SMSMPOA), staff finally received their comments on the draft policy. The SMPOA raised a number of concerns with the proposed policy as written, as well as objected to its content. Unfortunately, because of their objections and because of a provision in their existing Memorandum of Understanding (MOU) which can be termed a "zipper clause," it would appear that the City is prohibited from adopting any type of new policy or new procedure that is applicable to the SMPOA without their concurrence. Based upon the SMPOA's concerns and objections with having to be held accountable and adhere to the proposed ethics policy, staff has no other choice but to recommend that this policy exclude those members of the SMPOA. Because of the time involved in drafting the proposed policy, staff is recommending the Council move forward and implement the policy making it applicable to all elected officials, appointed officials, and all other employees of the City with the exception of the members of the SMPOA. This policy would be applicable to the Police Chief, to the Police Commanders, and all other non-sworn Police Department employees that are not affiliated with the SMPOA. Staff contacted the League of California Cities, and they have indicated that the Santa Maria Police Officers Association is the only association they are aware of in the State that has voiced concern regarding implementing an ethics policy. Because of the SMPOA's objection to the proposed content of the policy, staff recommends changing the title of the resolution and the body of the resolution and striking the words City-wide as well as amending the resolution to read "That the City Council establish and adopt an Ethics Policy, Exhibit A, for all City employees, elected officials, and appointed officials, excluding all members of the Santa Maria Police Officers Association."

Councilmember Mariscal stated because the SMPOA has a zipper clause in the Memorandum of Understanding, the policy would not be applicable to them if they had not approved it. What compels the changing of the wording just to address the SMPOA?

City Attorney Trujillo explained that the zipper clause provides that the City cannot change or adopt any policy without the mutual consent of the SMPOA and the City. That means that if an agreement is not reach, the City is unable to implement without violating the Memorandum of Understanding. Amending the resolution to exclude those members would be consistent with MOU that is currently in place and would avoid any type of argument that the City is violating that MOU.

Assistant City Manager Haydon stated staff may be successful in getting the SMPOA to agree to an ethics policy in the future, but it may not be the exact same policy.

Councilmember Mariscal asked how staff developed the proposed ethics policy.

Assistant City Manager Haydon stated for efficiency purposes, staff uses established policies from other cities and crafts them to the City's application. The points of contention that the SMPOA has with the proposed policy are applicable to other policies that the City already has in effect in other areas and are consistent with what other cities have implemented.

Councilmember Mariscal asked how many other cities in the State had adopted a similar policy.

Assistant City Manager Haydon stated he did not know how many cities in the State had adopted a policy; however, in the tri-County area, 14 or 15 of 25 cities had already adopted a similar policy.

Councilmember Mariscal stated if the concerns raised in the SMPOA's letter really had the potential of limiting constitutional rights, wouldn't those same issues have been addressed by these other cities?

Assistant City Manager Haydon stated he had contacted some of the other agencies and was told they did not have any opposition to the policies. He said the City Attorney's office had also reviewed it.

Councilmember Mariscal stated before the meeting he had a telephone conversation with the current president of the SMPOA who assured him that the SMPOA was not against having an ethics policy. They are interested in having one put into place. He said he hoped that the Council could encourage the SMPOA to become a little more involved in the process, give their feedback, and come on board with an ethics policy.

Mayor Lavagnino stated it saddened and disappointed him that not all of the employees were willing to come under this ethics policy. This was something that needed to be done.

Councilmember Orach stated it was disconcerting to him that this proposed policy has been around since October, and to receive a letter today from the SMPOA did not show much class. They have had adequate opportunity to address the issues. Of all the employees that should have ethics, the SMPOA should be at the forefront.

Councilmember Trujillo stated he also was very disappointed that the SMPOA didn't step up to the plate on this issue.

City Manager Ness stated the ethics policy that staff produced was modeled after the League of California Cities policy that was provided. In addition, Mr. Haydon collected samples of ethics policies from many other jurisdictions in order to put one together that suited the City's needs. The City is prohibited from unilaterally implementing something without the SMPOA's consent based on the zipper clause; however, once the contract expires in December, staff would be back at the table with the SMPOA and can

negotiate with them over all issues contained in the MOU and have the ability to change that unilaterally without their consent if the Council so chooses.

Bob Ziener stated he thought the City Council should be flattered that there were so few in the audience who seemed to be concerned about ethics. Having been a resident of Santa Maria for a decade, he has been very impressed with the ethics of the City Council. From his observations of the City Council, they are all independent, impartial, and responsible as outlined in the policy.

Ernest Armenta stated he guessed the Police Officers Association told the City where it could go with the ethics policy. He said it was sad. He asked if this would be voluntary or mandatory. If new Councilmembers were elected in November, would they have to abide by this policy. He expressed concerns about wording in the policy regarding a complaint against the Mayor being investigated by the Mayor Pro Tem. He suggested it be an independent commission conduct the investigation. He said he also had a serious problem with being told how to act, how to speak, and what to do if he was elected to the Council. He commended the Chief of Police for being willing to abide by the policy. He asked for a copy of the letter from the SMPOA.

Councilmember Patino stated in the ethics policy it says "officials and employees shall comply with the laws of the United States of America, the State of California, and the City of Santa Maria in the performance of their public duties." When the Councilmembers take office, they pledge to comply with the laws. It is important to have it in the policy.

Resolution No. 2006-42 was adopted with specified amendments establishing an Ethics Policy on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmember Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2006-42 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING AN ETHICS POLICY FOR CITY EMPLOYEES, ELECTED OFFICIALS AND APPOINTED OFFICIALS.

REPORT BY CITY MANAGER

City Manager Ness reported on four items for the next regular City Council meeting on April 4, 2006, including two public hearings for Centennial Square General Plan Amendment and Zone Change and an ordinance extending the moratorium on Medical Marijuana Dispensaries, the proposed Daytime Anti-Loitering Ordinance, and the General Plan Annual Report.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Trujillo referenced a poem written by Room 2 at Joe Nightingale Elementary School called "Around Town" highlighting things to do in Santa Maria.

Councilmember Patino stated on March 28th in the Council Chambers there would be a town hall meeting to address underage drinking. Fighting Back Santa Maria Valley was sponsoring the event.

Councilmember Mariscal stated he wanted to thank the people who attended the Measure D public forum put on by the Santa Barbara Council of Governments (SBCAG). It was attended by people who do not usually come to the SBCAG meetings.

Councilmember Mariscal also reported on two new events that happened over the weekend that were very successful. One was the recognition of Latino leaders in San Luis Obispo and Santa Barbara County put on by Latino Today at the Santa Maria Inn. It was very well attended and would probably be an on-going event. The second was a

first time project put on by the Noontime Kiwanis Club in conjunction with other Kiwanis Clubs in the area and the Action Club. The Action Club is a Kiwanis club for developmentally disabled adults and the event was called "Fashion in Action" held on Sunday at the Veterans Memorial Center. It was another sell-out event. It was a fundraiser for the Vocational Training Center (VTC) Foundation. A number of clients from VTC were modeling the clothes from the VTC Thrift Store.

Councilmember Patino stated she wanted to commend Jesse Chaviarria for putting on the program at the Santa Maria Inn on Saturday. He did an outstanding job.

CLOSED SESSION
The City Council recessed to a Closed Session at 8:30 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria, and Pierce v. Santa Barbara County Association of Governments (SBCAG), and Conference with Legal Counsel regarding Anticipated Litigation pursuant to Subsection (b)(3)(C) of the Government Code Section 54956.1 (1 matter).

After the Closed Session, the following was announced.

Conference with Legal Counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Conference with Legal Counsel regarding Pierce v. Santa Barbara County Association of Governments (SBCAG) – Direction to staff.

Conference with Legal Counsel regarding Anticipated Litigation (1 matter) – Direction to staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:21 p.m. by order of Mayor Lavagnino.

APPROVED

4-4-06
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Chief Deputy City Clerk